

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

THE J.M. SMUCKER COMPANY,)	CASE NO. 5:20-cv-1132
)	
Plaintiff,)	JUDGE SARA LIOI
)	
v.)	<u>DEFENDANT HORMEL FOOD</u>
)	<u>CORPORATION'S MOTION FOR</u>
HORMEL FOODS CORPORATION,)	<u>ENLARGEMENT OF TIME TO</u>
)	<u>RESPOND TO COMPLAINT</u>
Defendant.)	

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendant Hormel Foods Corporation (“Hormel”), moves this Court for an Order granting it an additional thirty (30) days or until July 16, 2020 to respond to the Complaint filed by The J.M. Smucker Company (“Smucker”). As grounds for this Motion, Hormel states that it requires the additional time to fully investigate all of the claims and appropriately respond to the Complaint. This is the first request for extension of time to respond to the Complaint.

As further support for the motion, Hormel states that counsel for the parties had a telephone conversation about an anticipated motion to dismiss on June 15, 2020. During that conversation, Hormel explained the basis for its contentions that (a) it is not subject to personal jurisdiction in the Northern District of Ohio, and (b) the Complaint fails to state claims for tortious inference with prospective economic advantage and unfair competition. At Smucker’s request, Hormel agreed to provide case law supporting its position, and Smucker agreed to consider the case law provided. Hormel requests this extension to allow adequate time to provide the requested case law, confer further with Plaintiff’s counsel and, if necessary, move to dismiss.

In an email sent at the end of the business day on June 15, 2020, Smucker indicated that it would consent to an extension, but only for ten (10) days and only if Hormel agreed that it would not pursue affirmative claims against Smucker in another forum during that period. Smucker's proposal is unacceptable because it does not allow adequate time to brief multiple defects in the Complaint, including declarations supporting Hormel's motion to dismiss for lack of personal jurisdiction under Fed. R. Civ. P. 12(b)(2) and would require that Hormel give up its legal right to pursue affirmative claims against Smucker in a more proper forum.

For the foregoing reasons, Hormel respectfully requests that this Court enter an Order granting it until July 16, 2020 to respond to the Complaint.

Respectfully submitted,

/s/ Tracey L. Turnbull

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CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2020 a copy of the foregoing Motion for Enlargement of Time was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Tracey L. Turnbull
One of the Attorneys for Defendant Hormel
Foods Corporation